

# **Annual Report 1999 - 2000**

## **Intergovernmental Affairs**

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### **Surface Rights Board**





**MINISTER OF  
INTERGOVERNMENTAL AFFAIRS**

Room 301  
Legislative Building  
Winnipeg, Manitoba, CANADA  
R3C 0V8

His Honour  
The Honourable Peter M. Liba, C.M.  
Lieutenant Governor of the Province of Manitoba  
235 Legislative Building  
Winnipeg, Manitoba  
R3C 0V8

Your Honour:

I have the privilege to present for your information the Annual Report  
of The Surface Right Board of Manitoba for the fiscal year ended March 31, 2000.

Yours sincerely,

*Jean Friesen*

Jean Friesen  
Minister



*Our Past. Our Future. Our Celebration.  
Notre passé. Notre avenir. Notre fête.*



Intergovernmental Affairs

The Surface Rights Board

P.O. Box 22080  
2022 Currie Boulevard  
Brandon MB R7A 6Y9  
(204) 726-7026

Honourable Jean Friesen  
Minister Responsible for  
The Surface Rights Act  
301 Legislative Building  
Winnipeg, Manitoba  
R3C 0V8

Madam:

In accordance with Section 15 of *The Surface Rights Act*, I am pleased to submit the Annual Report of The Surface Rights Board for the fiscal year ending March 31, 2000.

Respectfully submitted,

A handwritten signature in cursive script, reading "T.A. Cowan".

T.A. (Art) Cowan  
Presiding Member

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**THE SURFACE RIGHTS BOARD OF MANITOBA**

**MINISTER RESPONSIBLE FOR *THE SURFACE RIGHTS ACT***

HONOURABLE JEAN FRIESEN

**THE BOARD**

MR. THOMAS ARTHUR COWAN	PRESIDING MEMBER
MR. DENNIS COCHRANE	DEPUTY PRESIDING MEMBER
MR. IVAN CAREY	MEMBER
MRS. MARGARET HODGSON	MEMBER
MR. CLAUDE TOLTON	MEMBER

**COUNSEL**

LORI A. LAVOIE, Q.C.

BOARD SOLICITOR

## THE RESPONSIBILITIES OF BOARD MEMBERS

The Act provides for The Surface Rights Board and empowers the Board to administer and enforce The Act. The Board is presently composed of five Members, one of whom is the Presiding Member and another who is designated the Deputy Presiding Member.

Members are appointed by the Lieutenant Governor in Council and represent various geographic, social and economic sectors of the province.

In discharging its responsibility for administration of The Act, the Board may:

- (a) Hold sittings from time to time at such times and places in the province as it may deem expedient;
- (b) Enter upon and inspect or authorize any Member of the Board or other person to enter upon and inspect any place, building, works or other property directly or indirectly involved in any matter before the Board;
- (c) Appoint, or direct, to inquire into and report upon, any matter before the Board. The Members are not full time Board Members, but are paid on a per diem basis.

## **THE PURPOSE OF THE SURFACE RIGHTS ACT**

*The Surface Rights Act* was proclaimed to be in force August 9, 1983.

The purposes of The Act are:

- (a) To provide for a comprehensive procedure for acquiring and utilizing surface rights.
- b) To provide for payment of just and equitable compensation for the acquisition and utilization of surface rights.
- (c) To provide for the maintenance, preservation and restoration of the surface of land acquired in connection with surface rights.
- (d) To provide for the resolution of disputes between operators, occupants, and owners arising from the entry upon, use or restoration of the surface of the land.

## **POWERS OF THE BOARD**

Fulfilling its mandate to provide for the concerns of both landowners and the oil industry in Manitoba, the Board is empowered to:

- (a) Administer and enforce the Act and the regulations.
- (b) Carry out surveys and research programs and obtain statistics for the purposes of the Board.
- (c) Conduct hearings and investigations and determine and prescribe the scope thereof.
- (d) Require any person to submit to it such returns in such form as it may require.
- (e) Prohibit or require the doing of any act by any of the parties to an application which is before the Board.
- (f) Provide mediation services upon the request of the party of a dispute concerning surface rights.



## SURFACE RIGHTS BOARD ACTIVITY 1999/00

April 1, 1999 to March 31, 2000

### Quarterly Activity Report

	1999 April 1/ June 30 1st Q.	1999 July 1/ Sept. 30 2nd Q.	1999 Oct. 1/ Dec. 31 3rd Q.	2000 Jan. 1/ Mar.31 4th Q.
<b>Signed Agreements For Surface Leases</b>				
Brought Forward	1,711	1,713	1,722	1,737
Received	2	9	15	0
Carried Forward	1,713	1,722	1,737	1,737
<b>Review of Compensation Applications</b>				
Brought Forward	0	0	0	0
Received	2	0	0	1
Settled or Closed	2	0	0	0
Carried Forward	0	0	0	1
<b>Right of Entry Applications</b>				
Brought Forward	0	0	0	0
Received	0	3	0	0
Settled or Closed	0	3	0	0
Carried Forward	0	0	0	0
<b>Tortious Acts</b>				
Brought Forward	0	0	0	0
Received	0	0	0	0
Settled or Closed	0	0	0	0
Carried Forward	0	0	0	0

**OTHER  
APPLICATIONS**

**Termination of Board  
Orders**

Brought Forward	0	0	0	1
Received	0	0	1	0
Settled or Closed	0	0	0	0
Carried Forward	0	0	1	1

**Absentee Mineral Rights  
Owner**

Brought Forward	0	0	0	0
Received	0	0	0	0
Settled or Closed	0	0	0	0
Carried Forward	0	0	0	0

**Application For  
Abandonment Order**

Brought Forward	0	0	0	0
Received	0	0	0	1
Settled or Closed	0	0	0	0
Carried Forward	0	0	0	1

Board Orders Issued	2	3	0	0
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Mediation Reports	0	0	0	0
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**FIVE YEAR ACTIVITY SUMMARY****YEAR ENDED MARCH 31**

	1999/00	1998/99	1997/98	1996/97	1995/96
Signed Agreements	26	24	87	32	54

**Applications**

Review of Compensation	3	1	0	1	1
Right-of-Entry	3	5	4	0	1
Tortious Acts	0	0	0	0	3
Termination of Board Order	0	0	0	0	0
Absentee Mineral Rights Owner	0	0	0	0	0
Application for Abandonment Order	0	4	1	1	5
Board Orders Issued	5	6	4	1	1
Mediation Reports	0	0	0	1	1

## **BOARD ORDERS**

There were five Board Orders for Right of Entry issued by The Surface Rights Board in the fiscal year of 1999/00 as follows:

1. Board Order No. 1/99  
Isaac Harder/Americ Resources Corp.  
Compensation Payment Order  
L.S.D. 01-06-09-27 W.P.M.  
L.S.D. 02-06-09-27 W.P.M.  
L.S.D. 07-06-09-27 W.P.M.  
L.S.D. 12-06-09-27 W.P.M.
2. Board Order No. 2/99  
Isaac Harder/Americ Resources Corp.  
Variation of Compensation Order  
L.S.D. 01-06-09-27 W.P.M.  
L.S.D. 02-06-09-27 W.P.M.  
L.S.D. 07-06-09-27 W.P.M.  
L.S.D. 12-06-09-27 W.P.M.
3. Board Order No. 3/99  
Renaissance Energy Ltd./Agatha Turbak  
Right of Entry Order  
L.S.D. 02-10-12-29 W.P.M.
4. Board Order No. 4/99  
Renaissance Energy Ltd./Agatha Turbak  
Right of Entry Order  
L.S.D. 01B-10-12-29 W.P.M.
5. Board Order No. 5/99  
Renaissance Energy Ltd./Agatha Turbak  
Right of Entry Order  
L.S.D. 15A-10-12-29 W.P.M.